

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tim Markbreiter	Team: Squad #07	CCRB Case #: 202205463	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/18/2022 3:30 PM	Location of Incident: 81st Precinct	18 Mo. SOL 2/18/2024	Precinct: 81		
Date/Time CV Reported Fri, 08/19/2022 11:45 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 08/19/2022 11:45 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Manuel Mancheno	26266	954091	081 PCT
2. PO Dennis Henriquez	08255	963567	081 PCT
3. PO Justin Thomas	02234	970888	081 PCT
4. PO Ryan Macero	11532	966179	081 PCT
5. INSP William Glynn	00000	932718	081 PCT
6. PO Antonio Cantillo	21406	967798	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Kevin Pena	13339	966265	FTU 15

Officer(s)	Allegation	Investigator Recommendation
A. PO Dennis Henriquez	Force: Police Officer Dennis Henriquez used physical force against § 87(2)(b)	
B. PO Justin Thomas	Force: Police Officer Justin Thomas used physical force against § 87(2)(b)	
C. PO Antonio Cantillo	Force: Police Officer Antonio Cantillo used physical force against § 87(2)(b)	
D. PO Manuel Mancheno	Abuse: Police Officer Manuel Mancheno threatened to arrest § 87(2)(b)	
E. PO Ryan Macero	Off. Language: Police Officer Ryan Macero made offensive remarks to § 87(2)(b) based upon his perceived mental status	
F. PO Ryan Macero	Discourtesy: Police Officer Ryan Macero was discourteous to § 87(2)(b) based upon his perceived mental status	
G. PO Dennis Henriquez	Off. Language: Police Officer Dennis Henriquez made offensive remarks to § 87(2)(b) based upon his perceived mental status	
H. PO Dennis Henriquez	Discourtesy: Police Officer Dennis Henriquez was discourteous to § 87(2)(b)	
I. INSP William Glynn	Off. Language: Inspector William Glynn made offensive remarks to § 87(2)(b) based upon his perceived mental status	
J. INSP William Glynn	Discourtesy: Inspector William Glynn was discourteous to § 87(2)(b) based upon his perceived mental status	

Case Summary

The undersigned investigator received the following complaint from § 87(2)(b) via phone on August 19, 2022 (BR 1).

On August 18th, 2022, § 87(2)(b) went to the 81st Precinct Stationhouse in Brooklyn to pick up a civilian complaint form. § 87(2)(b) entered the stationhouse lobby around 3:30 p.m. and was filming on his cell phone. Five to seven officers approached § 87(2)(b) and told him that he was not allowed to film inside the stationhouse, but § 87(2)(b) continued to film inside. Because § 87(2)(b) refused to stop recording, the officers, including PO Dennis Henriquez, PO Justin Thomas, and PO Antonio Cantillo (81st Precinct), grabbed § 87(2)(b) by his arms and physically pushed him outside of the precinct (**Allegation A: Force**, § 87(2)(g)) (**Allegation B: Force**, § 87(2)(g)) (**Allegation C: Force**, § 87(2)(g)).

After being removed, § 87(2)(b) continued to record outside the entrance of the precinct and PO Manuel Mancheno (81st Precinct) stood directly outside the front door of the precinct. § 87(2)(b) continued to question the NYPD Policy barring filming inside of the precinct and PO Mancheno repeatedly told § 87(2)(b) that he would be arrested if reentered the precinct filming on his cell phone (**Allegation D: Abuse of Authority**, § 87(2)(g)). While § 87(2)(b) was repeatedly questioning the policy, two more officers, PO Dennis Henriquez, and PO Ryan Macero (81st Precinct), approached § 87(2)(b) and asked him if he needed help. § 87(2)(b) continued insisting to enter the precinct filming, which prompted PO Macero to say, “he’s an EDP” and PO Henriquez asked § 87(2)(b) if he had mental issues (**Allegation E: Offensive Language**, § 87(2)(g)) (**Allegation F: Discourtesy**, § 87(2)(g)) (**Allegation G: Offensive Language**, § 87(2)(g)) (**Allegation H: Discourtesy**, § 87(2)(g)).

As PO Mancheno was standing by the entrance, Inspector William Glynn (assigned to the 81st Precinct at the time), came outside, reiterated that § 87(2)(b) could not record inside the precinct, asked § 87(2)(b) if he had psychological issues, and told § 87(2)(b) that he was not acting rationally. (**Allegation I: Offensive Language**, § 87(2)(g)) (**Allegation J: Discourtesy**, § 87(2)(g)). § 87(2)(b) then attempted to go inside the stationhouse while recording and PO Mancheno arrested him.

The CCRB received ten body-worn camera (BWC) videos from the 81st Precinct (BR 3). PO Mancheno’s, PO Henriquez’s, and PO Macero’s were used to analyze the allegations (BR, 4,8,9,10,11,15).

Findings and Recommendations

Allegation (A) Force: Police Officer Dennis Henriquez used physical force against § 87(2)(b)

Allegation (B) Force: Police Officer Justin Thomas used physical force against § 87(2)(b)

Allegation (C) Force: Police Officer Antonio Cantillo used physical force against § 87(2)(b)

On August 18th, 2022, § 87(2)(b) who was 15 years old, went to the 81st Precinct Stationhouse on 30 Ralph Avenue in Brooklyn at approximately 3:30 p.m. to pick up a civilian complaint form. § 87(2)(b) stood outside of the stationhouse and was using his phone to film the surrounding area. As § 87(2)(b) entered the lobby of the stationhouse to request a complaint form regarding a separate incident, he continued to film on his cell phone. § 87(2)(b) was visibly recording on his

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phone and sat on a chair in the lobby while he waited to request a complaint form. Shortly after sitting down, § 87(2)(b) was approached by an unidentified black female officer and she asked him “are you recording, what are you doing?” § 87(2)(b) did not recall answering the officers’ questions. Five to seven officers then approached § 87(2)(b) and informed him that he was not allowed to film inside the precinct and requested him to step outside.

Despite the officer’s request, § 87(2)(b) did not stop recording. PO Henriquez and PO Thomas then grabbed § 87(2)(b) by the arm and pushed him out. § 87(2)(b) had been inside the stationhouse for about five minutes prior to being pushed outside of the stationhouse. § 87(2)(b) did not recall which officers grabbed him but did recall his video recording being stopped once he was grabbed by the arm. § 87(2)(b) repeatedly asked, “why are you grabbing me like that, why are you touching me?” § 87(2)(b) did not do anything with his arms, nor did he push back as the officers grabbed him (**BR 2**).

In PO Henriquez’s first BWC, at 00:27, § 87(2)(b) can be seen standing in the front lobby with two female officers holding up his phone and appearing to be recording. Three male officers, PO Dennis Henriquez, PO Justin Thomas, and PO Antonio Cantillo (81st Precinct), then come up to § 87(2)(b) and guide him, by placing their hands on his back and applying light pressure, to the vestibule at the entrance of the precinct. The officers continue to guide § 87(2)(b) to stairs that lead up to the stationhouse at the front entrance by grabbing § 87(2)(b) left arm. After being led down the stairs, PO Thomas pushes § 87(2)(b) outside of the front door of the precinct. § 87(2)(b) who is still recording on his cell phone, holds his phone up to PO Thomas’s face and PO Thomas proceeds to lightly push § 87(2)(b) chest while they are outside of the precinct as § 87(2)(b) attempts to reenter the precinct. At 1:00, audio from PO Henriquez’s BWC captures § 87(2)(b) requesting the names for all of the officers present. § 87(2)(b) reads the officers badge numbers that are closest to him, which include PO Henriquez, PO Thomas, and PO Mancheno. The other officers on scene are walking up the stairs as § 87(2)(b) requests this and it is unclear if they hear his request. PO Henriquez then goes back into the precinct (**BR 4**).

PO Henriquez testified that § 87(2)(b) had been in the stationhouse recording for a while and that he did direct § 87(2)(b) to exit the precinct. § 87(2)(b) did not adhere to PO Henriquez’s request and insisted on remaining in the precinct to record. PO Henriquez was not sure if he used force and testified that he and other officers guided § 87(2)(b) outside of the precinct. § 87(2)(b) did not resist as he was being guided out of the precinct and PO Henriquez told him that if he came back inside the precinct recording, he would be arrested. PO Henriquez added that he never told him that he himself would arrest § 87(2)(b). After being shown BWC, PO Henriquez said that he did not intend on shoving § 87(2)(b) and he noted that multiple officers had been guiding § 87(2)(b) out of the station house at that point (**BR 5**).

PO Thomas noted in his testimony that § 87(2)(b) ignored officers’ instructions to leave the precinct. PO Thomas said that if a civilian refuses these orders, they could be arrested for criminal trespassing. Because of this, PO Thomas put his arm around § 87(2)(b) upper back and guided him down the stairs and out of the precinct. PO Thomas testified that he did not push, or shove § 87(2)(b) and that § 87(2)(b) did not resist. Once § 87(2)(b) was outside, PO Thomas put his hand on § 87(2)(b) chest to stop him from reentering the building and he did not have any further interactions with him after this (**BR 6**).

NYPD Administrative Guide 304-21 entitled Concerning Civilians Right to Film Inside Stationhouse states that Members of the public are not allowed to photograph and/or record police activity within Department facilities. Members of Service may order any member of the public who is photographing or recording within Department facilities to stop such activity. If such person refuses to stop, they then should be ordered to leave the premises. If such person refuses to leave the premises, members of the service may take proper enforcement action under the trespass status (i.e., Penal Law sections 140.05 and 140.10) (**BR 7**).

NYPD Patrol Guide Procedure 221-01, entitled Force Guidelines, states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise

protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (BR 8).

The BWC shows that PO Henriquez, PO Thomas, and PO Cantillo used force to remove § 87(2)(b) from the stationhouse. Before the officers used force, § 87(2)(b) had been recording against NYPD procedures, even though by his own admission, officers had told him he could not record. § 87(2)(e)

Allegation (D) Abuse of Authority: Police Officer Manuel Mancheno threatened to arrest § 87(2)(b)

Allegation (E) Offensive Language: Police Officer Ryan Macero made offensive remarks to § 87(2)(b) based upon his perceived mental status.

Allegation (F) Discourtesy: Police Officer Ryan Macero was discourteous to § 87(2)(b) based upon his perceived mental status.

Allegation (G) Offensive Language: Police Officer Dennis Henriquez made offensive remarks to § 87(2)(b) based upon his perceived mental status.

Allegation (H) Discourtesy: Police Officer Dennis Henriquez was discourteous to § 87(2)(b)

About five seconds after being pushed outside of the stationhouse, PO Manuel Mancheno, who was not one of the officers who grabbed § 87(2)(b) came outside of the stationhouse and stood in front of the stationhouse, about six feet away from § 87(2)(b). The remaining officers then went back inside the precinct. § 87(2)(b) asked PO Mancheno why he was kicked out of the stationhouse and told him that it was not right for the officers to push him out. PO Mancheno told § 87(2)(b) that it is against the law to record inside of the precinct which prompted § 87(2)(b) to ask PO Mancheno what law he was referring to. PO Mancheno said that it was just their policy and § 87(2)(b) said that their policy is not the law (BR 2).

In PO Mancheno's first BWC, PO Mancheno was walking around the front entrance of the precinct when § 87(2)(b) was removed. At 1:00, PO Mancheno approaches the officers who removed § 87(2)(b) and § 87(2)(b) continues to record on his phone. At 1:20, PO Mancheno tells § 87(2)(b) that if he goes back inside the precinct, he will be arrested. § 87(2)(b) asks why he would get arrested, and PO Mancheno says that he is not allowed to record inside the precinct and that he was already given a warning. PO Mancheno repeats this to § 87(2)(b) multiple times and § 87(2)(b) continues to question PO Mancheno (BR 9). In PO Mancheno's second BWC recording, which begins about two minutes after he deactivated his last recording, PO Mancheno and § 87(2)(b) go back and forth again for several minutes. At 2:30, PO Mancheno is standing in front of the front entrance of the precinct and § 87(2)(b) tells PO Mancheno that he is blocking him. PO Mancheno tells § 87(2)(b) to leave and says, "I don't want to cuff you." At 3:19, § 87(2)(b) approaches the front door of the precinct and attempts to go inside. PO Mancheno tells him "Yo you open the door bro, you're getting locked up" (BR 10).

Two officers, PO Macero and PO Henriquez, approach PO Mancheno and § 87(2)(b) from down the street to the left of PO Mancheno. The officers then ask § 87(2)(b) if he needs help. § 87(2)(b) repeats his request to record inside which prompts PO Macero to say "he's an EDP" captured on PO Macero's BWC at 1:14 (BR 11). § 87(2)(b) continues to insist on going inside and PO Henriquez tells him that there are signs all around the precinct telling civilians they can't record inside the precinct. At 1:20 of PO Henriquez's BWC, upon § 87(2)(b) insistence, PO Henriquez asks

§ 87(2)(b) “do you have mental issues?” This prompts PO Mancheno to say, “we can’t even have him go by himself, that’s the thing. He’s gotta go to the hospital, call his mom” (BR 12).

PO Mancheno said that he was outside for a long time with § 87(2)(b) and that § 87(2)(b) made multiple attempts to enter the precinct. PO Mancheno said he was never intending on arresting § 87(2)(b) and that he wanted § 87(2)(b) to go home. § 87(2)(b) repeatedly avoided PO Mancheno’s questions and at one point, PO Mancheno asked § 87(2)(b) if he wanted to go to the hospital. § 87(2)(b) just shook his head and PO Mancheno was of the belief that § 87(2)(b) was an EDP because he did not respond to his questions (BR 13).

PO Macero testified that § 87(2)(b) actions were not normal, that his eyes were a little bit droopy and red which suggested to PO Macero that § 87(2)(b) might be an EDP (BR 14).

PO Henriquez said that § 87(2)(b) was not being responsive to what PO Henriquez was saying to him, that § 87(2)(b) appeared to be having a bad day, and that § 87(2)(b) body was very tensed up. PO Henriquez added that because of this, he was unsure what § 87(2)(b) was capable of doing (BR 5).

As per NYPD Patrol Guide 200-02 entitled Mission, Vision, and Values of the New York City Police Department, Members of Service must maintain a higher standard of integrity than is generally expected of others because so much is expected of them. Additionally, Members of Service must value human life, respect the dignity of each individual and render services with courtesy and civility (BR 15).

NYPD Administrative Guide 304-21 entitled Concerning Civilians Right to Film Inside Stationhouse states that Members of the public are not allowed to photograph and/or record police activity within Department facilities. Members of Service may order any member of the public who is photographing or recording within Department facilities to stop such activity. If such people refuse to stop, they then should be ordered to leave the premises. If such persons refuse to leave the premises, members of the service may take proper enforcement action under the trespass status (i.e., Penal Law sections 140.05 and 140.10) (BR 7).

PO Mancheno gave § 87(2)(b) multiple warnings that if he were to go into the stationhouse recording, he would be arrested for trespassing. § 87(2)(g)

Furthermore, while § 87(2)(b) had already been in the stationhouse recording, officers ejected § 87(2)(b) from the precinct, in lieu of an arrest. § 87(2)(g)

As seen in BWC and based off PO Macero’s and PO Henriquez’s testimony, both officers made comments about § 87(2)(b) perceived mental status. § 87(2)(g)

Allegation (I) Offensive Language: Inspector William Glynn made offensive remarks to § 87(2)(b) based upon his perceived mental status

Allegation (J) Discourtesy: Inspector William Glynn was discourteous to § 87(2)(b) based upon his perceived mental status

As § 87(2)(b) was standing outside recording, Inspector William Glynn came outside and told § 87(2)(b) that he was not allowed to record in the stationhouse. Inspector Glynn asked § 87(2)(b) if he had any psychological issues which § 87(2)(b) found insulting and he told Inspector Glynn that he was trying to find a way to violate his rights. Inspector Glynn responded, saying that he wanted to make sure that § 87(2)(b) was okay. Inspector Glynn did not mention anything about calling or taking § 87(2)(b) to the hospital. After this, PO Kevin Pena (FTU 15), who § 87(2)(b) had not seen before, went to the front door of the precinct to ensure that § 87(2)(b)

§ 87(2)(b) would not go back into the precinct and § 87(2)(b) continued to go back and forth with PO Pena and PO Mancheno about the legality of recording inside the precinct. After PO Pena told § 87(2)(b) that he was not going to let him inside of the precinct recording and told § 87(2)(b) not to go inside, § 87(2)(b) did not heed his request and proceeded to open the door and make his way towards the lobby of the precinct. Both PO Pena and PO Mancheno grabbed § 87(2)(b) by his arm, twisted his arm, and PO Mancheno handcuffed him. At approximately 3:30 a.m. the following day, § 87(2)(b) was released from the precinct. (BR 2).

In PO Mancheno's third BWC, at 1:14, Inspector Glynn comes outside from the front door of the precinct and tells § 87(2)(b) that he is allowed to record as much as he likes outside of the precinct but that he is not allowed to record inside department facilities. At 1:30, § 87(2)(b) questions why there were so many officers outside and Inspector Glynn says that he wants to make sure that he is okay and follows this by saying "do you have any psychological issues?" § 87(2)(b) says "you're trying to find a way to do something right? That's why you're asking me that? Psychological issues come on." At 1:46, Inspector Glynn responds saying "you're not acting very rationally right now." § 87(2)(b) then continues to question whether their policy is law, and he tells officers that he is going to go inside the lobby area anyway. Inspector Glynn then tells PO Mancheno that if § 87(2)(b) does anything, then they will EDP him (BR 16).

Inspector Glynn then said that he heard some commotion happening in the lobby, then stepped outside and saw § 87(2)(b) standing in front of the precinct. Inspector Glynn noted that § 87(2)(b) was filming and acting unusual. Inspector Glynn then tried to assess if § 87(2)(b) was having a mental health crisis or posing a serious threat to the precinct because from his 20 years of police experience, he could tell when someone is not acting normally. Inspector Glynn confirmed that he asked § 87(2)(b) if he had psychological issues and said this because § 87(2)(b) was acting erratically based upon his insistence to reenter the precinct. and he wanted to see if § 87(2)(b) needed help. (BR 17).

As per NYPD Patrol Guide 200-02 entitled Mission, Vision, and Values of the New York City Police Department, Members of Service must maintain a higher standard of integrity than is generally expected of others because so much is expected of them. Additionally, Members of Service must value human life, respect the dignity of each individual and render services with courtesy and civility (BR 14).

NYPD Patrol Guide Procedure 221-13 entitled Mentally Ill or Emotionally Disturbed Persons, defines an Emotionally Disturbed Persons (EDP) as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. Member of Service must make every effort to de-escalate the situation through tactical communication, if feasible and consistent with personal safety (BR 18)

The BWC shows that § 87(2)(b) wanted to enter the stationhouse to record after repeatedly being told he was not permitted to do so and after being threatened with arrest. In reaction to this behavior, Inspector Glynn asked § 87(2)(b) if he was having psychological issues. While there is no dispute that § 87(2)(b) actions were not entirely rational, he was not acting in a way that suggested imminent threat to himself or others. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

- PO Dennis Henriquez has been a member-of-service for five years and this is the first CCRB complaint to which he has been a subject (**BR 20**)
- PO Justin Thomas has been a member of service for one year and this is the first CCRB complaint to which he has been a subject (**BR 21**)
- PO Ryan Macero has been a member-of-service for four years and this is the first CCRB complaint to which he has been a subject (**BR 22**)
- PO Antonio Cantillo has been a member-of-service for three years and has been a subject in one CCRB complaint and three allegations.
 - § 87(2)(g)
- Inspector William Glynn has been a member of service for 19 years and has been a subject in 19 CCRB complaints and 48 allegations, of which five were substantiated (**BR 24**):
 - Case #200605789 involved substantiated allegations of Abuse of Authority against Inspector Glynn. The NYPD imposed Command Discipline- A.
 - Case #200712972 involved substantiated allegations of Abuse of Authority against Inspector Glynn. The NYPD did not impose any discipline regarding this allegation.
 - Case # 201103519 involved substantiated allegations of Force against Inspector Glynn. The NYPD imposed Command Discipline- B
 - Case # 201907132 involved substantiated allegations of Abuse of Authority against Inspector Glynn. The NYPD imposed Formalized Training.

Mediation, Civil, and Criminal Histories

Squad: 7